

MEMORANDUM

Agenda Item No. 9(A)(3)

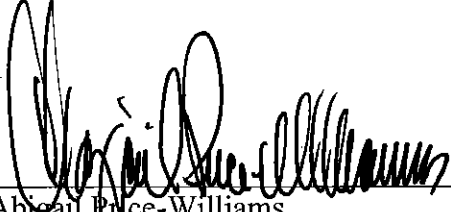
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving and
ratifying Article 32 Leave With
Pay of the 2014-2017 Collective
Bargaining Agreement between
Miami-Dade County and the
American Federation of State,
County and Municipal
Employees (AFSCME) A.F.L.-
C.I.O. General Employees, Local
199; authorizing the County
Mayor to execute the agreement;
waiving Resolution No. R-130-
06

The accompanying resolution was prepared by the Human Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in dark ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Approval of Article 32 Leave With Pay of the 2014-2017 Collective Bargaining Agreement Between Miami-Dade County and the American Federation of State, County and Municipal Employees, General Employees, AFSCME, Local 199

Recommendation

It is recommended that the Board of County Commissioners (Board) approve and ratify the attached Article 32 Leave With Pay (Article) of the 2014-2017 Collective Bargaining Agreement (Agreement) between Miami-Dade County and the American Federation of State, County and Municipal Employees, General Employees, AFSCME, Local 199 (Union).

The County Mayor is further authorized to effectuate this Resolution by approving and filing this Resolution with the Clerk of the Board. This authorization is necessary to allow this Article to be in effect prior to the preparation of the FY 2016-17 proposed budgets.

Scope

The impact of this agenda item is countywide.

Fiscal Impact/Funding Source

As reported to the Board at the time the Paid Parental Leave policy was adopted, many employees currently take leave following a birth, adoption, or foster placement of a child. This leave is part of the historical leave usage that is taken into account as part of the annual budget development process. All County employees are budgeted for 2,080 hours for employees with a 40-hour work week and 2,496 hours for employees with a 48-hour work week. In other words, whether the employee works or utilizes accrued leave, the funding to pay that employee's annual salary is included in the budget. In addition, there are certain County operations, such as Transportation and Public Works, Police, Fire, and Public Health Trust services, that already budget a relief factor (additional positions which vary by service) to take into account both anticipated and unanticipated leave usage that occur during the year to ensure County services are not interrupted. In some instances, unanticipated leave may require backfill with overtime if the relief factor is not sufficient and work cannot be distributed amongst existing staff.

Without knowing if this policy will significantly change leave usage and ultimately the accumulation of leave prior to separation, it is unknown whether costs will increase in the fiscal period following implementation or even in the near future. Therefore, while allowing employees to benefit from paid parental leave may have a fiscal impact to the County, it is difficult to determine the extent of such impact at this time.

Track Record/Monitor

The Director of Labor Relations in the Human Resources Department, Tyrone W. Williams, monitors and oversees the administration of this collective bargaining agreement.

Background

On February 02, 2016, the Board adopted a "Paid Parental Leave" Ordinance granting six (6) weeks of partial paid leave for qualifying Miami-Dade County employees. The ordinance specifically requires that Paid Parental Leave be expressly contained within an employee's Collective Bargaining Agreement in order for the employee to receive the benefit. Miami-Dade County requested to reopen Article 32 Leave With Pay of the Collective Bargaining Agreement between Miami-Dade County and the American Federation of State, County and Municipal Employees, General Employees, AFSCME, Local 199 for the limited purpose of modifying Article 32 to include Paid Parental Leave in accordance with the Miami-Dade County Ordinance No. 16-20. The County and the Union held a negotiation session on March 1, 2016, whereby the County and the Union tentatively agreed to the County's proposed changes to Article 32 Leave With Pay. This Article was ratified by the Union membership on March 24, 2016.

Proposed Article for Ratification

Article 32 Leave With Pay

Leave with pay shall be authorized in accordance with the County Leave Manual for the following reasons:

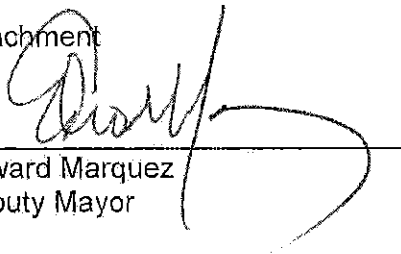
1. For employees to serve on jury duty. Employees serving on Federal jury duty may retain up to a twenty dollar (\$20.00) daily jury fee and employees serving on State, County, or Circuit jury duty may retain up to a ten dollar (\$10.00) daily jury fee; however, any jury fee received in excess of these amounts shall be retained by the County.
2. To be in attendance at official or educational meetings as directed by the Department or Agency.
3. Seven (7) employees will be permitted, when necessary, to participate in collective bargaining negotiations with the County. These employees shall be designated in writing to the Elected/Appointed Agency Official or Department Director and the Director of Labor Relations for the County. The employees shall give reasonable notice to their supervisors.
4. The Union President and Vice President or equivalent Union designee will be released from duty with pay to administer this Agreement. It is agreed to and understood between the parties that these bargaining unit employees, who are designated by the Union President for release from duty with pay to administer this Agreement, shall each be from a different County Department. An employee released from duty with pay under this provision shall be exempt from any layoff action that results in the removal of the employee from the bargaining unit.
5. Employees designated by the Union to attend Union functions. The total amount of time granted to all employees cumulatively seeking leave under this provision and Article 13 shall not exceed 6,500 hours for bargaining unit employees in any contract year.
6. Administrative Leave shall be granted to employees to take County Civil Service exams and to appear for job interviews in connection therewith.
7. The Union President and any additional employees released from duty with pay to administer this agreement shall receive an overall performance evaluation rating which shall reflect the average of the three overall evaluation ratings received prior to serving in such capacity.

8. Paid Parental Leave shall be authorized in accordance with Miami-Dade Ordinance No. 16-20 to care for a newborn, newly-adopted child, or newly-placed foster child or children. Eligible employees will be provided up to six (6) weeks of paid leave at 100 percent of base wages for the first two (2) weeks, 75 percent of base wages for the following two (2) weeks, and 50 percent of base wages for the remaining two (2) weeks. This provision is subject to any modifications or revocations by the Board of County Commissioners to Ordinance 16-20, in accordance with Article X of Chapter 11A.

Waiver of Signed Contract Requirement of Resolution R-130-06

The requirements of Resolution R-130-06, that any contract between the County and third parties be executed and finalized prior to their placement on a committee agenda, may be waived by the Board of County Commissioners upon recommendation by the County Mayor. The Mayor recommends that these requirements be waived for this Addendum because, under state law, a collective bargaining agreement is not binding on the public employer until it is ratified by the legislative body of the public employer and the bargaining unit. The bargaining unit has already ratified this Addendum of the Agreement. The Board's ratification is needed for this amendment to the Agreement to be binding. Since this Addendum will be not binding until it is ratified by the Board, this Addendum will be executed by the parties, subsequent to the Board's approval. Therefore, it is in the best interest of the County to waive the requirements of R-130-06.

Attachment



Edward Marquez
Deputy Mayor

ARTICLE 32

LEAVE WITH PAY

Leave with pay shall be authorized in accordance with the County Leave Manual and for the following reasons:

1. For employees to serve on jury duty. Employees serving on Federal jury duty may retain up to a twenty dollar (\$20.00) daily jury fee and employees serving on State, County, or Circuit jury duty may retain up to a ten dollar (\$10.00) daily jury fee; however, any jury fee received in excess of these amounts shall be retained by the County.
2. To be in attendance at official or educational meetings as directed by the Department or Agency.
3. Seven (7) employees will be permitted, when necessary, to participate in collective bargaining negotiations with the County. These employees shall be designated in writing to the Elected/Appointed Agency Official or Department Director and the Director of Labor Relations for the County. The employees shall give reasonable notice to their supervisors.
4. The Union President and Vice President or equivalent Union designee will be released from duty with pay to administer this Agreement. It is agreed to and understood between the parties that these bargaining unit employees, who are designated by the Union President for release from duty with pay to administer this Agreement, shall each be from a different County Department. An employee released from duty with pay under this provision shall be exempt from any layoff action that results in the removal of the employee from the bargaining unit.
5. Employees designated by the Union to attend Union functions. The total amount of time granted to all employees cumulatively seeking leave under this provision and Article 13 shall not exceed 6,500 hours for bargaining unit employees in any contract year.
6. Administrative Leave shall be granted to employees to take County Civil Service exams and to appear for job interviews in connection therewith.
7. The Union President and any additional employees released from duty with pay to administer this agreement shall receive an overall performance evaluation rating which shall reflect the average of the three overall evaluation ratings received prior to serving in such capacity.
8. Paid Parental Leave shall be authorized in accordance with Miami-Dade Ordinance No. 16-20 to care for a newborn, newly-adopted child, or newly-placed foster child or children. Eligible employees will be provided up to six (6) weeks of paid leave at 100 percent of base wages for the first two (2) weeks, 75 percent of base wages for the following two (2) weeks, and 50 percent of base wages for the remaining two (2) weeks. This provision is subject to any modifications or revocations by the Board of County Commissioners to Ordinance 16-20, in accordance with Article X of Chapter 11A.



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 9(A)(3)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 9(A)(3)
6-7-16

RESOLUTION NO. _____

RESOLUTION APPROVING AND RATIFYING ARTICLE 32
LEAVE WITH PAY OF THE 2014-2017 COLLECTIVE
BARGAINING AGREEMENT BETWEEN MIAMI-DADE
COUNTY AND THE AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), A.F.L.
-C.I.O., GENERAL EMPLOYEES, LOCAL 199;
AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE
AGREEMENT; WAIVING RESOLUTION NO. R-130-06

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves and ratifies Article 32 Leave With Pay of the 2014-2017 Collective Bargaining Agreement between Miami-Dade County, and the American Federation of State, County and Municipal Employees, (AFSCME), A.F.L.-C.I.O., General Employees, Local 199 in substantially the form attached to the County Mayor's memorandum and authorizes the County Mayor to execute same. The provisions of Resolution No. R-130-06 requiring that any contracts of the County with third parties be executed and finalized prior to their placement on the committee agenda are waived at the request of the County Mayor for the reasons set forth in the County Mayor's memorandum.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Eric A. Rodriguez